

CAUSE NO. 230015-C

DAMMEION CLARK

IN THE DISTRICT COURT OF

V.

ORANGE COUNTY, TEXAS

INTERNATIONAL PAPER
COMPANY

260th
JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **DAMMEION CLARK**, hereinafter referred to as "Plaintiff," and complaining of and about **INTERNATIONAL PAPER COMPANY**, hereinafter referred to as "Defendant," and for cause of action, would respectfully show the court the following:

1. DISCOVERY CONTROL PLAN

Discovery in this matter is to be conducted according to Level 3 per Tex. R. Civ. P. 190.4.

2. PARTIES

- 2.1 Plaintiff, **DAMMEION CLARK**, is a resident of Baton Rouge, East Baton Rouge Parish, Louisiana.
- 2.2 Upon information and belief, Defendant, **INTERNATIONAL PAPER COMPANY**, is a foreign corporation, operating within, and existing under the law of a state other than Texas. Defendant may be served by and through its registered agent for service: CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.
- 2.3 This suit is brought in accordance with the laws of the State of Texas for the recovery of damages to which your Plaintiff is entitled to recover from the Defendant herein. Plaintiff will show that the incident was brought about and caused to occur, and/or was proximately

EXHIBIT

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caused by the negligence of the Defendant. Such negligent acts will be set out more fully hereinafter.

3. JURISDICTION AND VENUE

Plaintiff would show that both jurisdiction and venue are proper in this cause of action pursuant to the Tex.Civ.Prac.Rem. Code § 15.002.

4. STATEMENT OF FACTS

4.00 Plaintiff brings this cause of action to recover damages sustained on or about January 26, 2021, in Orange County, Texas, as a direct and proximate result of Defendant's negligent maintenance and or operation of property and or instrumentality owned by, and controlled by the defendant.

4.1 At the time of the accident, the Plaintiff was on site, as an employee of Rexnord Corporation, who had contracted with defendant, International Paper Company, to perform maintenance work on certain equipment

4.2 While plaintiff was working on a drive shaft, a heavy metal object, which was above the plaintiff's work area, fell and struck plaintiff on the head, resulting in serious injuries to plaintiff.

5. PLAINTIFF'S CLAIM OF NEGLIGENCE AGAINST DEFENDANT

5.1 Plaintiff alleges and incorporates by reference the preceding paragraph, the same as if set forth herein verbatim. Defendant's above mentioned actions and/or omissions constituted negligence, and the negligent conduct was a direct and proximate cause of the accident and injuries made the basis of this lawsuit.

5.2 The Defendant's negligent actions or omissions include, but are not limited to, one or more of the following:

- a. Defendant failed to maintain the workplace in a reasonably safe condition;
- b. Defendant breached duty of care by failing to remedy the defective or dangerous condition;
- c. Defendant breached duty of care by failing to provide warning of defective or dangerous condition;
- d. Failing to supervise the environment, placing protocols;
- e. Failing to provide safety tools and equipment;
- f. Failing to ensure company premises were maintained in a way to prevent injuries;
- g. Failing to supervise the employees' as per relevant safety regulations.
- h. Failing to warn its invitees, employees, and third party contractors as to the hazards conditions complained of herein.
- i. Failing to install, adopt or employ adequate safety measures in its workplace to prevent incidents such as the one that injured Plaintiff and is the subject of this lawsuit; and
- j. Failing to properly secure the object which fell and struck plaintiff.

5.3 Defendant had a duty to exercise the degree of care that a reasonably prudent person would use to avoid harm to others under circumstances similar to those described above.

Defendant breached this duty.

5.4 Plaintiff's injuries were directly and proximately caused by Defendant's negligent, careless, and reckless disregard of said duty.

5.5 Plaintiff will show that all of the above foregoing acts and/or omissions, constitute negligence that directly and proximately caused the occurrence and Plaintiff's injuries and damages.

6. DAMAGES

6.00 As a direct and proximate result of the negligent acts and/or omissions of Defendant, Plaintiff has suffered damages for which Plaintiff seeks recovery from Defendant. Plaintiff's losses include, but are not limited to the following damages:

- a. Past medical expenses;
- b. Past physical pain and suffering;
- c. Past physical impairment;
- d. Past mental anguish and suffering;
- e. Past lost wages and loss of consortium;
- f. Future medical expenses;
- g. Future physical pain and suffering;
- h. Future physical impairment;
- i. Future mental anguish and suffering; and,
- j. Future lost wages and future loss of consortium.

6.1 The negligence and carelessness of Defendant directly and proximately caused the accident made the basis of this lawsuit, and the injuries and damages to plaintiff complained of herein.

7. PREJUDGEMENT INTEREST

Plaintiff also asserts a claim for both pre- and post-judgment interest for all elements of damages, as allowed by law.

8. RULE 193.7 NOTICE

This is given as notice to the Defendant that the Plaintiff intends to use all of Defendant's discovery responses as evidence at trial in accordance with such right and

privileges established by Texas Rule of Civil Procedure 193.7.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that Defendant be cited to appear and answer herein, and that upon final trial and hearing hereof, Plaintiff recover a judgment over and against Defendant for the damages as pled herein, based upon the evidence, in the amounts the jury determines to be fair and reasonable, and for such other and further relief, at law and in equity, to which the Plaintiff may show himself justly entitled. Petitioner prays for general relief.

Respectfully Submitted,

The Law Offices of Benard Hubbard, II

By: /s/ Benard Hubbard, II

BENARD HUBBARD, II

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ATTORNEY FOR PLAINTIFF

JURY DEMAND**OFFICE OF DISTRICT CLERK**

Plaintiff respectfully demands a trial by jury.

By: /s/ Benard Hubbard, II
Benard Hubbard, II



State of Texas
County of Orange

I, ANNE REED, Clerk of the District Court in and for Orange County, Texas, do hereby certify that the above and foregoing is a true and correct copy of the Original Hereof, as same as filed and appears of record in my office.

Witness my official seal and signature of office in Orange, Texas, this the 2nd day of June 2023

ANNE REED
Clerk of District Court
of Orange County, Texas
by Justin Rhodes
JUSTIN RHODES